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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,589	11/15/2001	Koji Tsukada	566.40875X00	7372

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EXAMINER
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HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/987,589

Applicant(s)

TSUKADA ET AL.

Examiner

Farzana E. Hossain

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 5-7, 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1-28-02.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 2004/0117831 and hereafter referred to as "Ellis"). It is noted that Ellis incorporates by reference in its entirety the application DeWeese et al (Application No. 09/356,270 and published for continued application 10/918,753 (US 2005/0262542) and hereafter referred to as "Deweese").

Regarding Claims 1 and 9, Ellis discloses a multi-user talking system (Figure 1A, 16, Figure 1B, 32, 34, 36, Figure 1C, 50, 52) for providing a multi-user talking service among viewers of a content (Pages 4-5, paragraphs 0092, 0097, Page 9, Table, Option Chat), wherein: the multi-user talking system (Figure 1B, 32, 34, 36, Figure 1C, 50, 52, Pages 4-5, paragraphs 0092, 0097) comprises a content distribution apparatus (Figure 1A, 16, Figure 1B, 32, 33, 34, 35, Page 3, paragraph 0088) and a multi-user talking control apparatus (Figure 1B, 36, Figure 1C, 50, 52, Pages 4-5, paragraphs 0092,

0097), each apparatus being connected to terminals of viewers through a network (Figure 1B, 38); the content distribution apparatus comprises: request-for-viewing receiving means for receiving a request for viewing the content from a terminal of a viewer or the server at the television facility receives a request to view a program selected by the user from the program guide whether video on demand (VOD) or scheduled (Figure 6, 142, 144, Figure 8, 162, 163, Page 9, paragraph 130, Figure 2, 106A, 106H, Figure 3). Ellis discloses that the server maintains information on the subscriber or viewer at the server such as which viewers to charge and what account information is needed to pay for requested movies such as VOD movies in order to transfer the request to the viewer (Pages 10-11, paragraph 0140), which reads on the server having viewer management means for managing a request for viewing received by the request for viewing receiving means associating the request with a subscriber. Ellis discloses that the server transmits programming to the viewer upon request (Page 4, paragraph 0092, Figure 1A, Figure 6, 142, 144, Figure 8) and also maintaining profile information at the server to display program information based on preferences (Page 13, paragraph 0157). It is necessarily inherent that the server has a transmission source address which the server can distribute content to the user upon receiving a request. Ellis discloses content distribution means for distributing the content to a user television equipment managed by the server processing profile information, which reads on viewer management means, through the network or the server at the television (TV) distribution facility distributes content in the form of movies and programs to a specific user (including based on request) via the communication network (Figure 1A, 16, 24,

1B, 32, 38, 1C, Page 4, paragraph 0092), and the multi-user talking control apparatus which allows viewers to chat with particular groups on specific genres or programs (Figure 50).

Deweese discloses a transmission source address (Figure 4, 13) of the profile associating the request with a transmission source. Deweese discloses that the multi-user talking control apparatus (Figure 1A, 22, Figure 2A, 88, Pages 11-12, paragraph 0122) comprises: request-for-participation receiving means for receiving a request for participation in multi-user talking (Page 4, paragraphs 0060-0061, Page 5, paragraphs 0071-0073, Figure 2A, Figure 3 Figure 19), from a terminal of a viewer (Page 4, paragraphs 0060-0061, Page 5, paragraphs 0071-0073); participant management means that manages a transmission source address of a request for participation received by the request-for-participation receiving means or the chat server or chat equipment at the TV distribution facility (Figure 2A, Figure 10) manages the transmission source address (Figure 4, 138, Figure 6, 164) when the transmission source address is managed by the viewer management means or server processing profile information (Figure 4, Figure 6); mixing means or audio bridge at the chat server that receives (Page 9, paragraph 0105), through the network (Page 9, paragraphs 0102-0105), respective pieces of talking data from terminals of viewers who have transmission source addresses managed by the participant management means (Page 9, paragraph 0105), and mixes the pieces of talking data received to generate multi-user talking data (Page 9, paragraph 0105); and multi-user talking data distribution means for distributing the multi-user talking data and the server or the chat equipment

at the TV distribution facility distributing generated by the mixing means to transmission source addresses managed by the participant management means, through the network (Figure 10). It is necessarily included that the audio bridge mixes multiple audio inputs and feeds back the audio to each of the chat member.

Regarding Claim 2, Ellis and Deweese disclose all the limitations of Claim 1. Deweese discloses multi-user talking control apparatus further comprises: request-for-appeal-for-participation receiving means for receiving a request for appeal for participation in multi-user talking from a terminal of a viewer or requests for chatting with users that are watching a program but may not be in the user buddy list from a terminal of a viewer (Figure 19); and appeal-for-participation means that distributes an appeal for participation in multi-user talking to terminals of viewers who have respective transmission source addresses other than transmission source addresses managed by the participant management means or users who have addresses that are not managed by the chat server in a chat but a user requests a chat of these users (Figure 19, 362, 364, 366, 368, Page 13, paragraph 0131), among transmission source addresses managed by the viewer management means or the server processes profile information which includes addresses of all viewers (Figure 4, Page 13, paragraph 0131), when a transmission source address of the request for appeal for participation received by the request-for-appeal-for-participation receiving means is a transmission source address managed by the participant management means or the chat server may have transmission source address of the particular program in the participant management

means as this may be a weekly chat group (Figure 19, 370, 372), and receives respective answers to the appeal for participation, from the terminals of the viewers (Figure 20, 384, 386, 388, 381, 383, 390); and when an answer to the appeal for participation received by the appeal-for-participation means indicates intention of participating (Figure 20, 384, 386, 388), the participant management means manages a transmission source address of the answer or the server processes the profile of each of the users who answer and manages the address of the users (Figure 4, Figure 6).

Regarding Claim 3, Ellis and Deweese disclose all the limitations of Claim 2. Ellis discloses that the user has a profile (Page 13, paragraph 0157). Ellis discloses that the user requests viewing (Figures 6, 7, 8) and the TV distribution facility transmits the data to the user, which would inherently include an identification number. Deweese discloses that multi-user talking system further comprising: a database or storage at the server (Page 6, paragraph 0077) that registers private information or profile information of a registered person who can use the multi-user talking service (Figure 4), associating the private information with identification information of the registered person (Figure 4); and includes the identification information of the viewer (Figure 4); the request-for-appeal-for-participation receiving means: detects requests for viewing other than requests for viewing associated respectively with transmission source addresses managed by the participant management means (Figure 19, 370, 372, Page 13, paragraph 0131), out of requests for viewing managed by the viewer management means (Figures 14, 15B), when a transmission source address of a request for appeal

for participation received is a transmission source address managed by the participant management means (Figure 4); specifies private information of viewers whose identification information is included in the detected requests for viewing (Figure 6, Figure 7), using the database and based on the identification information of the viewers (Figure 19, 364, 366); and transmits participation selection information for the sake of selecting a piece of private information of a viewer to whom participation is to be appealed out of the specified private information or by ratings of the users on a particular channel or program (Figure 19, Figure 6), to the transmission source address of the request for appeal for participation (Figure 4, 138, Figure 6, 164), so that the terminal of the viewer having the transmission source address of the request for appeal for participation selects a piece of private information of a viewer to whom participation is to be appealed (Figure 4, Figure 6, Figure 19, 364, 366); and the appeal-for-participation means: specifies private information of a viewer whose identification information is included in a request for viewing managed in association with the transmission source address of the request for appeal for participation by the viewer management means (Figure 4, Figure 6, Figure 19, 364, 366), using the database and based on the identification information of the viewer (Figure 4); transmits an appeal for participation, which is appealed by the viewer having the private information specified (Figure 19), to a transmission source address of a request for viewing that is managed by the viewer management means and that includes identification information of the selected piece of private information (Figure 4); and receives an answer to the appeal



for participation from a terminal of the viewer having the transmission source address (Figure 4, Figure 6, Figure 7, Figure 19, 370, Figure 20).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Rakib et al (US 6,889,385 and hereafter referred to as "Rakib").

Regarding Claim 4, Ellis and Deweese disclose all the limitations of Claim 1. Ellis discloses that the network can be Internet network and the communications may be Internet protocol transmissions, which reads on the network can be an IP network (Page 4, paragraph 0095, Page 5, paragraph 0104). Ellis discloses transmitting programs and services including chatting/conferencing to viewers at the same time or multicasting the programs and services (Figures 1A, 1B, 1C, Figure 50). Ellis and Deweese are silent on conversion into IP packets and management of addresses. Rakib discloses that the content distribution means (Figure 1, 10, Figure 4, MPEG IN)

converts the content into IP packets (Column 11, lines 42-52, Figure 4, 55, 57), adds transmission source addresses managed by the viewer management means to a header of each IP packet (Column 12, lines 29-47, Figure 5A, 348, Figure 5D, 406), and multicasts the IP packets onto the IP network (Figures 1-3); and the multi-user talking data distribution means converts the multi-user talking data generated by the mixing means (Figure 1, 10, Figure 4, Tel PKTS IN) into IP Packets (Column 11, lines 42-52, Figure 4, 55, 57), adds transmission source addresses managed by the participant management means to a header of each IP packet (Column 12, lines 29-47, Figure 5A, 348, Figure 5D, 406), and multicasts the IP packets onto the IP network (Figures 1-3). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Ellis to include converting content and talking data into IP packets ((Figure 1, 10, Figure 4, 55, 57), add transmission source addresses (Column 12, lines 29-47, Figure 5A, 348, Figure 5D, 406), and transmits data to customers on an IP network (Figures 1-3) as taught by Rakib in order to deliver programming and telephony to customers over cable TV systems (Column 1, lines 13-17, Column 2, lines 10-23) as disclosed by Rakib.

Regarding Claim 8, Ellis and Dewese disclose all the limitations of Claim 1. Ellis discloses that that the request for viewing includes designation of the content that the viewer wishes to view (Figures 6, 7, 8). Ellis discloses a profile with information of what the viewer prefers to watch transmitting requested programming from preferences or VOD program to the user (Page 13, paragraph 0157, Pages 10-11, paragraph 0140),

which would inherently include a transmission source address. Deweese discloses transmission source addresses for all users (Figure 4, 138), a chat server that facilitates chatting (audio transmission) (Figure 10), which reads on a participant management means, the participant management means manages a transmission source address of a user requesting to participate (Figure 19, Figure 14, Figure 15), mixing means or audio bridge at the chat server that receives (Page 9, paragraph 0105), through the network (Page 9, paragraphs 0102-0105), respective pieces of talking data from terminals of viewers who have transmission source addresses managed by the participant management means (Page 9, paragraph 0105), and mixes the pieces of talking data received to generate multi-user talking data (Page 9, paragraph 0105); and multi-user talking data distribution means for distributing the multi-user talking data and the server or the chat equipment at the TV distribution facility distributing generated by the mixing means to transmission source addresses managed by the participant management means to transmission source addresses associated with the content in question (Figure 10). It is necessarily included that the audio bridge mixes multiple audio inputs and feeds back the audio to each of the chat member.

Ellis and Deweese are silent on all other limitations. Rakib discloses that the viewer management means or the headend/cherrypicker (Figure 1, 10, Figure 4) manages requests for viewing including designation of respective contents (Column 9, lines 42-67, Figure 5A, 348, Figure 5D, 406), classifying the requests under the respective contents (Column 9, lines 42-67, Figure 5A, 348, Figure 5D, 406), and associating the requests with respective transmission source addresses of the requests

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(Column 9, lines 63-67); the content distribution means distributes contents that are associated with respective transmission source addresses by the viewer management means (Figure 5A, 348, Figure 5D, 406), to the respective transmission source addresses associated with the contents (Figures 1-3), through the network; by the participant management means, through the network. Rakib discloses a cherrypicker that manages a transmission source address of a request for telephony services or participation in a conversation with another user (Figures 1-3, Column 9, lines 42-67, Figure 5A, 348, Figure 5D, 406), associating the transmission source address with a content that is associated with the transmission source address by the viewer management means (Column 9, lines 42-67, Figure 5A, 348, Figure 5D, 406).

Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Ellis to include viewer management means or the headend/cherrypicker manages requests for viewing including designation of respective contents (Column 9, lines 42-67, Figure 5A, 348, Figure 5D, 406), classifying the requests under the respective contents and associating the requests with respective transmission source addresses of the requests (Column 9, lines 42-67, Figure 5A, 348, Figure 5D, 406); the content distribution means distributes contents that are associated with respective transmission source addresses by the viewer management means (Figure 5A, 348, Figure 5D, 406), to the respective transmission source addresses associated with the contents (Figures 1-3), through the network; by the participant management means, through the network, and the cherrypicker manages a transmission source address of a request for telephony services or participation in a

conversation with another user (Figures 1-3, Column 9, lines 42-67, Figure 5A, 348, Figure 5D, 406), associating the transmission source address with a content that is associated with the transmission source address by the viewer management means (Column 9, lines 42-67, Figure 5A, 348, Figure 5D, 406) as taught by Rakib in order to deliver programming and telephony to customers over cable TV systems (Column 1, lines 13-17, Column 2, lines 10-23) as disclosed by Rakib.

***Allowable Subject Matter***

5. Claims 5-7, 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Ellis discloses that a viewer can communicate with the content distribution means for TV distribution facility over IP communications or IP network (Page 4, paragraph 0095) and also that programming can be transmitted over satellite, which can read on cable television (Page 4, paragraph 0096), while other communications including audio chat or multi user talking for the user can be over telephone network (Page 4, paragraph 0096). Ellis discloses a means for receiving a request for viewing from a viewer's terminal including a personal computer (Page 6, paragraph 0108) or set top

box (Figure 1A, Figure 1B) and can communicate with an IP network (Page 4, paragraph 0095), which reads on a terminal with an interface with the IP network. Ellis discloses the request-for-participation receiving means comprises: means for receiving a request for participation from a viewer's terminal provided with an interface with the IP network through the IP Network or a viewer using a computer using IP communications requests viewers to chat using audio (Page 6, paragraph 0108, Page 4, paragraph 0096, Page 4, paragraph 0092). Deweese discloses that telephone communications can be done over a telephone link or network (Page 9, paragraph 0104), which reads on a terminal with an interface to a telephone network. Ellis and Deweese are silent on a first relay and second relay assembling IP packets and telephone numbers. Rakib discloses that IP packets are re-packetized or assembled before transmitting to a user. Rakib discloses that the viewer management means sets a transmission source address associated with a request for viewing means to an IP address of a transmission source of the request (Column 9, lines 42-67, Figure 5A, 348, Figure 5D, 406). Rakib discloses that the telephone number corresponds to an IP address, which reads on a transmission source address added to a header of each IP packet of the content in place of a telephone number when the telephone number exists (Column 35, lines 34-42).

The prior art of record does not suggest nor teach the following limitations (or similar limitations) in conjunction with other elements as claimed in the rejected independent and dependent claims: the viewer management unit sets a transmission

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source address associated with a request for viewing received by the request-for-viewing receiving means, to an IP address of a transmission source of the request for viewing, when the relay station receives a request for viewing through the IP network, and to a telephone number of the transmission source of the request for viewing, when the request for viewing unit receives the request for viewing through the telephone network; talking generation unit mixing received pieces of talking data through the network from viewer's terminals each having an IP address managed by the participant management unit from the talking relay station.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH  
December 2, 2005

  
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